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SCHOOL DESEGREGATION — AN APPRAISAL

The Pace of School Desegregation

On May 17, 1954, the United States Supreme Court handed down its ruling that public school segregation is unconstitutional. An implementation decision followed on May 11, 1955, directing that desegregation "proceed with all deliberate speed." At the time of the decision in 1954, 17 southern and border states and the District of Columbia required segregation on a racial basis in their public schools.

The Southern Education Reporting Service estimates that, at the opening of the 1960-61 school year, this regional area has 6,636 school districts, 2,834 of them bi-racial. The breakdown of the enrollment figures reveal about 10,123,554 whites and 3,095,345 Negroes.

In this school session about 183,104 Negroes are presently attending schools with whites as compared with 181,104 Negroes reported last Spring.

This figure represents about 6% of the total Negro school enrollment. The desegregation of seventeen additional school districts this fall brings to 768 the number of districts which have some degree of desegregation. These desegregated districts have about three million white and 600,000 Negro students enrolled.

The following, from the *Southern School News* of October 1960, is a summary picture of the 17 school districts which were desegregated this fall:

"The nation's largest segregated school system, Houston, Tex., admitted 11 Negroes to predominantly white classes under a plan ordered by federal courts. The change left Dallas as the nation's largest dual school system.

"Two other Texas districts, Frenship and Fredericksburg, desegregated voluntarily following local elections on the question.

"Virginia had five districts to desegregate, the most that any state reported. The new desegregation in Fairfax County, Grayson County-Galax, Pulaski County, Richmond and Roanoke raised to 205 the number of Negroes attending schools with whites.

"Dollarway this year became Arkansas's tenth desegregated school district in the state's first peaceful school opening since September 1956.

"At least two additional Delaware districts admitted Negroes to previously all-white schools. State officials did not know if more districts than Seaford and Newport desegregated for the first time.

"Two Oklahoma districts, Wewoka and Sapulpa, desegregated voluntarily, chiefly for financial reasons. . . .

"Raleigh and Chapel Hill, N. C., opened their first desegregated classes. Yancey County has until Oct. 13 to desegregate its high schools. It would be the state's tenth desegregated district and the first in North Carolina under a court order.

"In Tennessee two additional districts, Knoxville and surrounding Knox County, announced desegregation plans. However, no Negroes applied in the county schools. Davidson County schools, in suburban Nashville, have until Oct. 19 to file a desegregation plan with federal court."

There is little question that the pace of school desegregation has been slowed down to a crawl by resistance, especially in the Upper and Deep South. In the first couple of years after the Supreme Court's decision, there was a rapid, extensive spread of voluntary desegregation in the border states, with some of it extending to Arkansas and Texas. Since the initial surge ended, desegregation has been a campaign fought by laws and lawyers over the careers of a few amazingly brave Negro children. Presently, the progress of school desegregation is still hammered out in the courtroom; close to 50 school cases are on the dockets of the Federal courts. The slowing down of the process is revealed in the decreasing numbers of school districts which have desegregated in successive years after the initial voluntary compliance with the Supreme Court's decision.

Yearly Desegregation of School Districts

Year	Number of School Districts Desegregated
1956	470
1957	270
1958	60
1959	19
1960	17
Total	836*

*The difference between this total and the present figure of 768 is due to the consolidation of some school districts.

SEGREGATION-DESEGREGATION STATUS

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With
	Total	Bi-racial	Deseg.	White	Negro	White	Negro	Whites
Alabama	113	113	0	516,135†	271,134†	0	0	0
Arkansas	419	226	10	316,000*	104,000*	51,000*	10,000*	102
Delaware	94	51	21	63,088†	14,063†	38,898†	7,399†	6,196†
District of Columbia	1	1	1	27,136†	89,451†	27,136†	89,451†	73,290†
Florida	67	67	1	790,000*	210,000*	129,186†	26,648†	829
Georgia	197	192	0	617,456†	299,199†	0	0	0
Kentucky	210	173	124	572,000*	43,000*	400,000*	33,000*	13,000*
Louisiana	67	67	0	440,000*	278,000*	0	0	0
Maryland	24	23	23	452,487*	135,158*	410,482†	116,164†	28,072†
Mississippi	151	151	0	292,000*	283,000*	0	0	0
Missouri	1,889	214*	200*	758,000*	80,000*	—	75,000*	35,000*
North Carolina	173	173	9	816,682†	302,060†	109,000*	53,000*	77
Oklahoma	1,276	241	189	504,125*	40,875*	266,405*	30,725*	10,520*
South Carolina	108	108	0	356,293*	264,216*	0	0	0
Tennessee	154	143	6	670,680*	157,320*	86,427*	19,285*	313
Texas	1,548	720	130	1,835,108*	288,859*	800,000*	85,000*	3,500*
Virginia	130	128	11	668,500*	211,000*	178,731*	52,286*	205
West Virginia	55	43	43	427,864†	24,010†	427,864†	24,010†	12,000†
Totals	6,676	2,834	768	10,123,554	3,095,345	2,925,129	621,968	183,104

*1960-61 estimates

†1959-60 figures

(*Southern School News*, October 1960)

The beginning of the 1960-61 school year finds varying degrees of compliance as well as stubborn non-compliance with the Court's decision. There is a significant degree of desegregation in seven states — Delaware, Kentucky, Maryland, Missouri, Oklahoma, Texas, West Virginia — and the District of Columbia; token desegregation in five states — Arkansas, Florida, North Carolina, Tennessee and Virginia; and no desegregation in five states — Alabama, Georgia, Louisiana, Mississippi and South Carolina. (See the *Segregation — Desegregation Status* table at the bottom of page one for a state-by-state picture.)

At the present rate of desegregation, approximately two and a half million Negro children continue in segregated schools. At this rate, hypothetically something like 100 years will be necessary for the process to be completed.

When the pace of school desegregation is viewed from the perspective of social justice and the dimension of the well-being of our national moral health and strength at this moment in history, there is a forceful urgency to speed up the process — to implement the Supreme Court's decision "with all deliberate speed."

Forms of Delay

Successive forms of delay have been developed within the legal framework by Southern state legislative action. These acts range from "interposition" and nullification declarations through so-called sovereignty commissions to various types of school closing or fund-withholding laws. (The report of the United States Commission on Civil Rights includes an excellent summary of some of these measures.) In addition, in some situations, the extra-legal means of intimidation, economic reprisals and physical aggression have been employed.

To date, the most effective device for delay which has been developed is the pupil placement and assignment laws on the books in nine Southern states — Alabama, Arkansas, Florida, Louisiana, North Carolina, South Carolina, Tennessee, Texas and Virginia. These laws set up varying criteria for deciding the school to which a child can go. Race is not mentioned per se, but the criteria are stated in such fashion as to make it fairly simple to establish reasons for excluding Negro children from white schools. Kenneth B. Clark, in an article entitled "Desegregation: the Role of the Social Sciences", *Teachers College Record*, October 1960, lists some of the factors and criteria which local, county or state school boards take into account in the assignment of pupils:

"The effect of the admission of new pupils upon established or proposed academic programs.

"The suitability of established curricula for particular pupils.

"The adequacy of a pupil's academic preparation for admission to a particular school and curriculum.

"The scholastic aptitude and relative intelligence or mental ability of the pupil.

"The psychological qualification of the pupil for the type of teaching and associations involved.

"The effect of admission of the pupil upon the academic progress of other students in a particular school or facility.

"The effect of admission upon prevailing academic standards at a particular school.

"The psychological effect upon the pupil of attendance at a particular school.

"The possibility or threat of friction or disorder among pupils or others."

Dr. Clark goes on to indicate that "one or more of these criteria is found in the statutes of each of these nine states. The pupil assignment laws of Alabama, Arkansas, Louisiana, Tennessee, and Texas contain almost all of them.

"The way these criteria are used shows a clear design to exclude Negro students from white schools or to reduce the number of Negro students to a token few."

In evaluating the effects of the pupil placement laws, one finds a significant relationship between the extent of desegregation and the existence of pupil placement laws. The placement laws of Alabama and of North Carolina have been held valid by the Federal Courts, although little doubt is left that discriminatory applications will be stricken.

One of the great difficulties which these laws pose is that no class actions are possible under them; each case must be contested separately. In addition, the initiative and burden for desegregation is placed on the individual Negro parent and child rather than on the school system. There is little question that eventually these laws will be challenged on the basis of their discriminatory application. In the meantime, they have been and are an effective means of slowing down the process of desegregation of public schools in the Upper and Lower South.

Price of Delay

It is virtually impossible to estimate what the cost of delay is in terms of the weakening of the democratic and Christian value structures and moral health in the nation, in institutions, groups and individuals. However, there is no question that each of us pays a price as a part of a society which maintains unjust practices which violate the dignity of fellow human beings.

In a special issue of the *Harvard Educational Review*, Summer 1960, devoted to "Negro Education in the United States", Dr. John A. Morsell examines the relationship of court decisions to the schooling afforded Negroes and to their future in America. The principle burden of his article is that the nation and the Negro cannot wait too long. The price to the nation and to the Negro citizens is too great to pay.

"As individuals, as members of a racial minority, and as potential contributors to national strength, Negroes face the very real possibility of losing ground that cannot soon be regained, if at all. It is an ironic thought that, side by side with the legal victories over discrimination in education and voting, an economic disaster may be quietly in the making. Yet, this is the genuine import of failure to solve the problems of equal access to the best training and to the work for which the training prepares."

"The best in education is not obtainable by Negroes in a racially segregated system, no matter how much of a community's wealth is poured into it. The abandonment of school segregation thus becomes a cardinal element in any projection that calls for maximum development and employment of the country's human resources."

Dr. Clark, in the previously mentioned article, makes the case for a need in broadening our perspective with regard to school desegregation as benefiting the white child — not only the Negro child. He writes, "It is not true . . . that white children will be harmed or will not benefit from desegregated schools. Segregated education is inferior and nonadaptive for whites as well as Negroes."

He continues, "No child can receive a democratic education in a non-democratic school. A white youngster in a homogeneous, isolated, 'hot house' type of school situation is not being prepared for the realities of the contemporary and future world. . . . A racially segregated school imposes upon white children the inevitable stultifying burdens of petty provincialism, irrational fears and hatreds of people who are different, and a distorted image of themselves."

Finally, incomparable damage is done to the image and effectiveness of our leadership of the free world. The uncommitted countries of Africa and Asia, recently freed from the bonds of colonialism, are extremely sensitive concerning our intentions and goals. As have been attested to time and time again by our leaders who have traveled abroad, and by the foreign press, it does not help us in our fight for freedom to be in a continuing position of denying equality to citizens of our own country. (See the July-August 1960 issue of *Interracial News Service: "Race Relations and International Affairs"* by Darrell D. Randall.)

School Desegregation Enters a New Phase

The Southern Regional Council, in their October issue of *New South*, makes a case that the struggle for the desegregation of schools is entering a new phase. "The Deep South at last faces the demand that it comply with the law."

The battleground will be the great urban centers of the Deep South. These states will be confronted with the inevitable choice of compliance with the law of the land or with closing down state-wide school systems.

The issue has been drawn in Houston, Texas, — known as the largest segregated school system in the nation, and in New Orleans, Louisiana. Houston desegregated its school system shortly after the opening of school on September 7th, with 11 Negro children admitted to white classes. New Orleans is under court order to proceed with desegregation on November 14th. In both cities, desegregation begins this year in the first grade and proceeds at the rate of a grade a year until the process is completed in twelve years. These plans were handed down by two federal judges acting on these cases.

The article in the *New South* proceeds to a comparative analysis of the two situations and concludes with the drawing of the following tentative negative and positive premises from the present experience of these two cities.

"1. As precedents are built up in case after case, legal evasion becomes more difficult and more limited.

"2. In the cities at least, in the Deep South as well as in Upper South states, public apathy is the primary response to a school desegregation crisis.

"3. Local school boards presenting desegregation plans in good faith will be permitted considerable leeway over the transition process. Local boards refusing to offer such plans permit federal judges to specify the details of the desegregation process.

"4. Even in Deep South cities there can be open and honest debate over the issues involved in the school crisis. However, the apathy and complacency of past years makes it necessary that there be an organized effort to inform public opinion of the facts and the real options in the situation.

"5. The tension heat of the community is in large part a matter of response to political and civic leadership. Divided or demagogic leadership can help create a considerable degree of violence potential.

"The experiences during this school year of New Orleans and Houston may well be similar after the desegregation process begins, or they could be quite different. In either case they will have a tremendous influence on developments in other cities and communities across the Lower South."

Forces to Speed-up the Process

Apart from the indirect effects of long range trends such as population mobility, industrialization, urbanization, the rising status of the Negro, at least five forces seem to provide hope for speeding up the process of desegregation in the immediate future.

To date, it seems that the Federal Courts have followed a moderate approach in the implementation of the Supreme Court's decision. In rendering decisions they have taken into cognizance such factors as a "prompt and reasonable start", "evidence of good faith and compliance at the earliest practicable date", a "variety of local problems", "practical flexibility", and the like. However, at the same time these decisions have been building a series of legal precedents. Some of the most noteworthy are summarized by the Southern Regional Council in *School Desegregation: the first six years*, published in May 1960, as follows:

"—in several cases coming from Alabama, Arkansas, and North Carolina, pupil placement laws have been upheld in principle; the courts have warned that if these laws, which establish criteria for assigning children to their schools, are administered on racial grounds they will be declared unconstitutional;

"—in an Arlington County (Virginia) case, and in Norfolk, it was ruled that applications by Negroes for transfer to a predominantly white school must be acted on according to the normal regulations governing transfers and cannot be subjected to extraordinary tests;

"—in the Nashville case, a system of gradual desegregation over twelve years, beginning with the first grade and based on geographic assignment of pupils, was approved;

"—in the Norfolk case, it was held that a state may not close some public schools solely to prevent segregation, and keep open others throughout the state . . . ;

"—the Supreme Court ruled in the Little Rock case that the constitutional rights of a Negro child cannot be set aside because of violence or disorder."

The recent decisions in Houston, Texas and New Orleans, Louisiana, and the call for a speed-up of desegregation in the Delaware school system indicate that the Federal Courts may be ready to intensify pressures toward implementation of the Supreme Court's decision.

In the New Orleans case, a key weapon may have been forged in forcing compliance. A number of the governors of states in the Deep South have threatened in the past to abolish public education rather than to submit to the courts. A ruling by a three judge panel in the Federal District Court in New Orleans seems to make illegal this extreme measure to avoid compliance.

The judges cited among other Louisiana laws one that "gives the Governor the right to close all schools in the state if one is integrated". They noted that "all these acts have as their sole purpose the continued segregation in the public schools" and declared them unconstitutional.

In the Delaware case, the United States Court of Appeals rejected a one-grade-a-year plan submitted by the Delaware State Board of Education. The Court struck down for the first time this type of plan, indicating that local conditions affect the legality of such plans. "In short, integration in the State of Delaware, which already has integrated many of its schools, particularly in the Wilmington area, should not be viewed, gauged or judged by the more restrictive standards reasonably applicable to communities which have not advanced as far upon the road toward full integration as has Delaware. . . ." The Supreme Court refused an appeal for a stay of judgment.

The second force for speeding up the process is political. Both the Democratic and Republican parties have promised in their presidential campaign platforms to work toward the elimination of racial barriers in education. (See the September-October issue of *Interracial News Service* for a comparison of the Democratic and Republican Civil Rights Platforms.) Political platforms always have as one of their fundamental purposes the attraction of votes. However, the presence and acceptance of stated positions in the platforms of the two parties also represents some consensus as to what is right and urgent.

Although it would be naive to expect full implementation of its platform by whichever party is elected to power, at the same time it is realistic to recognize that regardless of which party wins the election in November, the strength of the national government will be increasingly applied against racial discrimination. The signs of this increasing role are presently discernible in the passage in 1960 of the second civil rights bill in recent years, in the increasing efforts of the Attorney General's Office in dealing with discriminatory violations of the right to vote, and in the conference of representatives of chain variety stores called by the Attorney General in reference to the desegregation of lunch counters. Among other things, it seems that more active moral and executive leadership can be expected from the next President in speeding up the process of school desegregation.

The third pressure has come and will continue to come from the Negro community itself. The most dramatic happening in the desegregation process in the 1959-60 school year was the launching of the Sit-In movement by Negro students at Greensboro, North Carolina. There is no question that this movement, which has spread throughout the southern region, came as a consequence of widespread dissatisfaction with the rate of social change, particularly with the pace of school desegregation.

The Southern Regional Council, commenting on the Sit-In movement in "A Report on School Desegregation for 1960-61" states, "The sit-ins succeeded, as nothing else had, in causing white Southerners to see Negro Southerners as individuals. This is, after all, the crux also of the case for desegregation of schools: that the Negro child be regarded and treated as an individual. What so many dime stores have now acknowledged is what the law suits have asked, and still ask, the school systems to practice."

In addition, the Sit-Ins represent expression of the determination of the Negro community for citizenship rights now and at some far distant future date — the determination to have a hand and a share in building its own future. This determination will continue in many ways as a force to push forward the process of desegregation.

A fourth factor working to increase the pace of school desegregation is white southerners themselves. As the issue of school desegregation has shifted in some situations from the clear-cut issue of segregation vs. desegregation to the threat of closing down public schools or the threat to law and order, many more southerners have been willing to accept token desegregation while maintaining a segregationist point of view. Such actions on the part of white southerners prevent the taking over of the school desegregation issue by vocal extremist groups and permit at least token desegregation.

Another kind of pressure will come from organizations which are concerned with justice in the area of racial and cultural relations. An encouraging sign in the South today is the development of a number of indigenous organizational structures through which it is possible for persons to work with others in the fuller realization of justice in racial and cultural relations.

Many observers of American society have pointed out the significant role that voluntary groups have played and do play in effecting social change. As such groups grow in size and number, they will increasingly represent a force for speeding up the pace of school desegregation.

Even though many Southerners regard desegregation as inevitable, little weakening is apparent in the wide-spread opposition to the process and it seems that every effort will be made to hold it to a minimum. However, there are these forces working to increase the pace of desegregation. In addition, as has been indicated, long range forces are inevitably moving the South forward toward desegregation.

However, the imperative to increase the pace of orderly social change with regard to desegregation remains as a moral challenge which the nation must meet in the decade of the sixties. The moral dilemma for man is always dramatized and heightened in a particular human situation in which he is confronted with the necessity to make a choice. The specific issue of school desegregation and the speed with which it shall be accomplished presents the nation with such a choice.

* * * * *

A Christian Criterion for Our School Problem

The following is taken from an editorial in the August 1960 issue of *Churchwork*, a newspaper for the Episcopal Church in Louisiana:

"At this writing no one knows whether or not the New Orleans public schools will open in September. . . . Whether the issue be deferred or not the future is likely to be filled with confusion, with much controversy, and possibly with some conflict. It is no wonder that Christian people, sincerely anxious to be loyal to their Lord, are crying out for guidance.

"It is foolish to say that these problems have nothing to do with religion. . . . Those who understand 'the American way of life' must know that a free Church is an inseparable part of our system.

"In our present dilemma it is the individual Christian conscience which needs guidance and direction. . . . It is upon the individual that the moral decision ultimately rests. He must be careful, for he knows how easy it is to be guilty of idolatry. For idolatry in our times is not the worship of graven images but the worship of anyone less than God Himself, loyalty to anything less than the revealed Will of God. And the easiest form of idolatry today is through the subtle process of *rationalizing our prejudices*. It can be a form of blasphemy to call ourselves Christians while deliberately defending principles which we know Christ rejected. Each of us must therefore ask the prayerful question, 'What does God want? What are the basic trusts to which I must be loyal under God?'

". . . We suggest that all Christian discipleship must rest upon these three premises: A REVERENCE FOR LIFE, A RESPECT FOR LAW AND A FAITH IN THE REDEEMING (OR RECONCILING) LOVE OF GOD. . . .

"*A Reverence for Life*: We begin by remembering that all life is God's gift. . . . It is an awesome mystery which deserves our deepest reverence. It prompts us . . . to cry out against heartless brutality, to build vast welfare programs for the alleviation of suffering and the preservation of life. . . .

"But for the Christian, 'life' means more than this. We believe that those who have been baptized into Christ are possessors of something more than bodily existence. They share membership in a Divine Community. They are God's children in a very special sense. As members of Christ's Body they share His Spirit; they are therefore precious in God's sight. As such, every man (regardless of race or class) who belongs to this Fellowship shares mystically in a common life: And is entitled to the respect and the dignity which members of one Household owe one another.

"No one can deny that there are many inequalities in the social order. These differences are not racial only: They are cultural, intellectual, economic and broadly sociological. . . . Christians, like all others, must spend their lives wrestling with these problems of adjustment: It has always been so. But the Christian should approach the task in a certain way: He will begin by acknowledging the dignity of human life, the respect to which God's children are entitled. Unless we begin here no 'solution' can be Christian.

"*A Respect for Law*: Not only has God given us life, but He has set that life in the midst of an *ordered* universe. Natural law prevails in our physical world and man depends upon it. Man's security, indeed his very existence, rests upon his acceptance of and his obedience to that ordained order of the created universe.

". . . Man (in his freedom) has known that human life can be lived fully and richly only within the framework of moral and spiritual law. Just as natural law provides the framework

for physical security, so the laws of human conduct provide the framework of man's freedom. . . .

"However unpopular law may be, Christian people must examine carefully their reasons for disobeying it. For by its very nature disobedience is so likely to be sin. Whether or not the Supreme Court ruling is 'the law of the land' may be technically debated by the legal experts. But the fact is that Congress has had six years in which to right a wrong if the Court was in error. . . . It is difficult to believe that the legislative branch of the government would stand by without protest if the judicial branch had usurped its powers. Since Congress has made no serious attempt to reverse the Court one must conclude that it accepts the judicial decision.

"Ours is a government of law and not of men. In the face of the turmoil in certain other countries we know what the whimsical leadership of 'strong men' can do, and we would be very unwise to ridicule the constitutional processes which guarantee our freedom. Christians . . . are called to respect the law.

"*A Faith in the Redeeming (or Reconciling) Love of God*. We have a reverence for life and a respect for law, but Christians have something more. We have faith in God. We believe that Divine Grace supersedes law. The Christian lives in the conviction that God's love conquers all. . . . We believe that salvation through Christ applies not only to the individual but to society, that by His death Christ redeemed 'all mankind,' . . . that the Holy Spirit is at work in the world sanctifying all the people of God. . . . Christians think the future rests neither on the undisciplined license of life nor on the protective hedgings and defenses of law, but on the Grace of God at work in the hearts of men.

"Our Christian duty — . . . our Christian opportunity — is to face life as we find it and *bring the reconciling love of God to bear upon it*. This is what the Church is for: To reconcile men to God and to one another. But to do this, . . . Christians must have *faith in God's power to redeem our human relationships*, and . . . must have the courage to give Him the chance. This will not be easy. It may well be the most difficult spiritual struggle any of us has ever experienced. Most of us wish devoutly that these problems would go away, but we know better. We know that in the coming months our Christian discipleship will be put to the test. How shall we act? . . .

"We repeat: Christian decisions will not be easy. Many may forsake the Church because they cannot agree that a reverence for life, a respect for law, or the redemption of our social order is in any wise the Church's business. But there are millions of others who see this crisis as just another moment in history when Christians are called to great witness. If we are ruled by fear our witness will fail. But if we will trust God and act with charity, the honesty and the humility which our Lord expects of us, our generation will have brought God's Kingdom one step nearer 'on earth, as it is in heaven.'"

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Annual Race Relations Sunday Message

The Message for Race Relations Sunday, February 12, 1961, "Let Love Be Genuine", can now be ordered from the Department of Racial and Cultural Relations, at 4c each or \$2.00 per hundred.

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